



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-45**

August 19, 2004

Christopher & Ann Marie Shumway
31 Havenwood Dr
Laconia, NH 03246

RE: DES Wetlands File #2000-02289 Mink Island, Gilford Tax Map 244, Lot 32

Dear Mr. and Ms. Shumway:

On August 2, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilford Tax Map 244 as Lot 32 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, The Comprehensive Shoreland Act RSA 483-B, Shoreland Protection Administrative Rules Env-Ws 1400 and the NH Code of Administrative Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. A patio measuring approximately 200 sq ft was constructed on the frontage.
2. The 200 square foot patio was constructed 2 feet 10 inches away from the normal high water mark.

The patio is approximately 50 square feet larger than allotted by DES in accordance with Shoreland Protection Administrative Rule Env-Ws 1405.03b (see enclosed Rules). The Patio was also 17 feet 2 inches closer to the normal high water mark than allotted by DES in accordance with Shoreland Protection Administrative Rule Env-Ws 1405.04b (see enclosed Rules).

In response, you are requested to take the following actions:

1. Completely remove the patio and revegetate the area disturbed by it's removal.
2. Send in photos of the restored shoreland.
3. Erosion controls should be used to stabilize the area until area is completely revegetated (hay bales, silt fences, etc).

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

~~COPY~~

Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0695 2256

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Gilford Conservation Commission
Gilford Board of Selectmen
USACOE